

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101  
Prepared by: Roberta Moore, Planner I

**SUBJECT:** Ordinance 1st Reading/Quasi-judicial, ZB 1-1-03 Flamingo Groves Unit E,  
1401 Flamingo Road, Generally located at the southwest corner of  
Flamingo Road and SW 14 Street

**AFFECTED DISTRICT:** District 3

**TITLE OF AGENDA ITEM:** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,  
APPROVING REZONING PETITION ZB 1-1-03, CHANGING THE CLASSIFICATION OF  
CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT  
TO A-1, AGRICULTURAL DISTRICT; AMENDING THE TOWN ZONING MAP TO  
COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN  
EFFECTIVE DATE

**REPORT IN BRIEF:** The applicant requests rezoning of the 27.87 acre parcel from AG, Agricultural District to A-1, Agricultural District. The applicant is proposing 28 single family custom homes, however a maximum of 27 single family homes are permitted per the Town of Davie Comprehensive Plan. Based on the Rural Lifestyle Initiative, a 100 foot scenic corridor buffer is required on the frontage of Flamingo Road and the minimum lot size is 35,000 square feet. The surrounding uses consist of A-1, Agricultural District and AG, Agricultural District adjacent to the south, MH-1, Mobile Home Residential District and PRD-4, Planned Residential Development District adjacent to the west, R-1, Estate Residential Dwelling District to the north, and AG, Agricultural District to the east. This area represents a transitional area with higher densities as one travels north toward Interstate 595.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the April 23, 2003 Planning and Zoning Board meeting, Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to approve (Motion carried 4-0, Ms. Lee absent). At the April 2, 2003 Town Council meeting, Town Council tabled the item in order for staff to notify property owners within the 500 foot radius of the entire project. At the March 12, 2003, Planning and Zoning Board meeting, Ms. Lee made a motion, seconded by Ms. Turin, to approve (Motion carried 5-0).

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

**Attachment(s):** Ordinance, Planning Report, Justification, Survey, Land Use Map, Zoning and Aerial Map

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 1-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO A-1, AGRICULTURAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from AG, Agricultural District to A-1, Agricultural District;

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.  
NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from AG, Agricultural District to A-1, Agricultural District:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof;

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as A-1, Agricultural District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

ATTEST:

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

**TOWN OF DAVIE**  
**Development Services Department**  
**Planning and Zoning Division Staff**  
**Report and Recommendation**

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**Applicant Information**

**Owner:**

**Name:** Florida Fresh Herbs, Inc.  
**Address:** 3100 Flamingo Road  
**City:** Davie, Florida 33330  
**Phone:** (954) 476-7878

**Agent for Petitioner:**

**Name:** John Voigt  
**Address:** 1177 SE 3 Avenue  
**City:** Ft. Lauderdale, Florida 33316  
**Phone:** (954) 762-3400

**Petitioner:**

**Name:** M.G. Developers, Inc.  
**Address:** 920 E. Hallandale Beach Blvd. Suite 708  
**City:** Hallandale Beach, Florida 33009  
**Phone:** (954) 454-7868

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**Background Information**

**Date of Notification:** April 8, 2002      **Number of Notifications:** 79

**Application History:** The application had been previously heard by Planning and Zoning Board on March 12, 2003. The application was tabled at the April 2, 2003 Town Council meeting in order for adjacent property owners to be notified and to be readvertised.

**Application Request:** Rezone the 27.87 acres subject site **FROM:** AG, Agricultural District; **TO:** A-1, Agricultural District.

**Address/Location:** 1401 Flamingo Road/Generally located at the southwest corner of Flamingo Road and SW 14 Street.

**Future Land Use Plan Designation:** Residential (1 DU/AC)

**Zoning:** AG, Agricultural District

**Proposed Zoning:** A-1, Agricultural District

**Existing Use:** Vacant

**Proposed Use:** 28 single family custom homes – requested by applicant, however a maximum of 27 single family homes allowed per Town of Davie Comprehensive Plan

**Parcel Size:** 27.87 acres (1,214,012 square feet)

	<b><u>Surrounding Uses:</u></b>	<b><u>Surrounding Land Use Plan Designation:</u></b>
<b>North:</b>	Residential	Residential (1 DU/AC)
<b>South:</b>	Vacant	Residential (1 DU/AC)
<b>East:</b>	Vacant	Residential (1 DU/AC)
<b>West:</b>	Grove Park Estates	Residential (1 DU/AC)
	Summer Lake	Residential (4 DU/AC)

**Surrounding Zoning:**

<b>North:</b>	R-1, Estate Dwelling District
<b>South:</b>	A-1, Agricultural District and AG, Agricultural District
<b>East:</b>	AG, Agricultural District
<b>West:</b>	MH-1, Mobile Home District, and PRD-4, Planned Residential Development

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**Zoning History**

**Related Zoning History:** None.

**Previous Requests on same property:** Flamingo Groves Unit E plat was recorded in Plat Book 15, Page 5, of the public records of Broward County.

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**Application Details**

The petitioner has requested to rezone the 1,214,012 square foot (27.87 acres) subject site from: AG, Agricultural District; to: A-1, Agricultural District.

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**Applicable Codes and Ordinances**

Section 12-307 of the Land Development Code, review for rezonings.

Section 12-81A of the Land Development Code, Conventional Single-Family Development Standards, A-1, Agricultural District, requires minimum: lot area of 35,000 square feet, frontage of 150 feet, front setback of 40-50 feet, side setback of 35 feet, and rear setback of 35 feet, maximum height of 35 feet.

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**Comprehensive Plan Considerations**

**Planning Area:** The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by Flamingo Road. The predominant existing and planned land use is single-family residential at a density of one dwelling unit per acre.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 113.

**Applicable Goals, Objectives & Policies:** *Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-2: No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.*

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### **Staff Analysis**

The purpose of this rezoning request is to allow development of the 27.87 acres subject site. The request is not in conflict with Comprehensive Plan or any element thereof. The subject site meets the minimum lot area and frontage required by the Land Development Code's residential development standards for the A-1, Agricultural District. The proposed rezoning will not create an unrelated isolated zoning district as the A-1, Agricultural District designation on this subject site is compatible due to consistency with the Comprehensive Plan and Land Development Code provisions regarding residential uses. The surrounding uses consist of A-1, Agricultural District and AG, Agricultural District adjacent to the south, MH-1, Mobile Home Residential District and PRD-4, Planned Residential Development District adjacent to the west, R-1, Estate Residential Dwelling District to the north, and AG, Agricultural District to the east. Based on the Rural Lifestyle Initiative, a 100 foot scenic corridor buffer is required on the frontage of Flamingo Road, the minimum lot size is 35,000 square feet. The proposed use can be considered to be in harmony with the general intent and purpose of the code, and will not be detrimental to the public welfare.

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### **Findings of Fact**

#### **Rezoning:**

#### **Section 12-307(A) (1):**

**The following findings of facts apply to the rezoning request:**

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

*The land use is R-1, Residential 1 du/ac and the ~~R-1~~ A-1 zoning district is a permitted zoning district within the R-1 Land Use.*

- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

*The surrounding uses consist of A-1, Agricultural District and AG, Agricultural District adjacent to the south, MH-1, Mobile Home Residential District and PRD-4, Planned Residential Development District adjacent to the west, R-1, Estate Residential Dwelling District to the north, and AG, Agricultural District to the east. As such the request to R-1 is compatible with the R-1 district to the north.*

- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;

*To the north is single family residential dwellings (1 du/ac), to the east is vacant, to the south is vacant, and to the west is a mobile home park and a single family residential dwellings (PRD-4).*

- (d) The proposed change will not adversely affect living conditions in the neighborhood;

*The proposed zoning district would allow single family residential dwellings and the surrounding parcels are residential dwellings and vacant property.*

- (e) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

*Prior to final approval of plats by Broward County, traffic impacts are assessed and concurrency must be met.*

- (f) The proposed change will not adversely affect other property values;

*The rezoning would not affect adjacent property values as the proposed zoning district is compatible with the surrounding zoning districts.*

- (g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

*Development of the subject site will not deter development or improvement of adjacent parcels.*

- (h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

*This request is a privilege that can be afforded to any owner that has a parcel that meets the Land Development Code's minimum requirements to achieve the zoning classification.*

- (i) There are not substantial reasons why the property cannot be used in accord with existing zoning.

*The property can be developed utilizing the AG, Agricultural District. The new Rural Lifestyle Initiative Regulations would require a true acre of land, which would ultimately decrease the proposed number of units that the applicant has requested based upon the gross acreage of the subject site and the underlying land use.*

- (j) The proposed zoning designation may be the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

*The proposed zoning designation is consistent with the Future Land Use Plan Map, adjacent to an arterial roadway, and is therefore the most appropriate designation to enhance the Town's tax base.*

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### **Staff Recommendation**

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

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### **Planning and Zoning Board Recommendations**

At the April 23, 2003, Planning and Zoning Board meeting, Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to approve (Motion carried 4-0, Ms. Lee absent).

At the March 12, 2003, Planning and Zoning Board meeting, Ms. Lee made a motion, seconded by Ms. Turin, to approve (Motion carried 5-0).

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### **Town Council Recommendation**

At the April 2, 2003, Town Council meeting tabled the item in order for staff to notify property owners within the 500 feet radius of the entire project. The item is to go back to Planning and Zoning Board for their consideration and then to Town Council.

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### **Exhibits**

1. Justification
2. Survey
3. Land Use Map
4. Zoning and Aerial Map

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_



Applicant: M.G. Developers, Inc.  
Project: Flamingo Estates

JUSTIFICATION STATEMENT  
FOR REZONING REQUEST

The subject site contains approximately 27.87 acres that are vacant lands currently being utilized for agricultural purposes. The property is contiguous to the west side of Flamingo Road situated south of State Road 84 and I-595 and north of Griffin Road. Immediately to the north of the subject property are lands zoned R-1. Immediately to the east is Flamingo Road which is a six lane divided arterial highway. Across Flamingo Road are various vacant lands and agricultural uses. To the south are two tracts of vacant land being utilized for agricultural purposes. Further to the south the new Calvary Chapel is under construction. Immediately to the west are lands zoned PRD-4 and MH-1, which includes a mobile home park. The mobile home park is a resident-owned community, as opposed to a rental community, that is also zoned for one dwelling unit per acre. The future land use designation for the subject property and the surrounding area is residential (1DU/AC).

The subject property is currently zoned AG, Agricultural District, and is being utilized for agricultural purposes. The petitioner as purchaser of the property seeks to rezone the property from AG to A-1 and to develop 28 one-acre single family homes. The development tentatively is known as Flamingo Estates, and will be totally compliant with the new rural lifestyle ordinance. The proposed rezoning and use is consistent with the future land use designation of the subject property and the surrounding properties. The A-1 zoning will provide a transitional zoning between the CF and AG zoning to the south, the R-1 zoning to the north, and the PRD-4 and M-1 zoning to the west.

A review of the rezoning request should include a consideration of the criteria listed in Section 12-307(A)(1) of the Town of Davie Land Development Code to determine if the request should be favorably reviewed. These criteria with respect to the subject request are discussed below.

Criterion (a): Whether the proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof.

Applicant: M.G. Developers, Inc.  
Project: Flamingo Estates

The subject property lies within Planning Area 2 which consists almost exclusively of one acre single family homes. The adopted comprehensive plan of the Town of Davie states in planning area 2 that "this planning area contains numerous small subdivisions of one-acre lots," which is exactly what is proposed with Flamingo Estates. The proposed rezoning complies with policies 5-1 and 5-2 of the adopted comprehensive plan of the Town of Davie in that it is consistent with the designated future land use set forth in the comprehensive plan. Further, the proposed use does not conflict with any of the policies 6-1 through 6-7 concerning residential use.

As a result, the rezoning request is consistent with the adopted comprehensive plan.

Criterion (b): Whether the proposed change would create an isolated zoning district unrelated and incompatible with adjacent and nearby zoning districts.

The requested rezoning to A-1 is consistent and compatible with adjacent and nearby zoning districts. To the north are lands zoned R-1 for residential developments, while to the south are agricultural and community facility uses. Immediately to the west are higher density residential districts and the A-1 designation provides a logical transitional zoning category between these other uses. As a result, the proposed zoning district is compatible and appropriate given the zoning districts and uses that surround the site.

The requested rezoning positively satisfies this criterion.

Criterion (c): Whether existing zoning districts are illogically drawn in relation to existing conditions on the property proposed for change.

The existing zoning district, AG, does allow for construction of single family homes, but on a more restricted basis than does A-1 or R-1 zoning. The proposed A-1 zoning maintains the agricultural character of the area while allowing for greater flexibility in the design of one-acre custom home sites.

Applicant: M.G. Developers, Inc.  
Project: Flamingo Estates

As a result, the proposed rezoning satisfies this criterion.

Criterion (d): Whether the proposed change will adversely affect living conditions in the neighborhood.

The proposed A-1 designation will have no adverse impact on living conditions in the neighborhood. The proposed rezoning will allow for development of the site as a residential community consisting entirely of one-acre custom homes that will satisfy the requirements of the new rural lifestyle ordinance. As a result, the new development should be an asset to the area and a model for future developments on surrounding parcels.

As a result, the requested rezoning satisfies this criterion.

Criterion (e): Whether the proposed change will create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety.

The current land use designation for this site is residential, one dwelling unit per acre. The proposed use after the rezoning again is residential, one dwelling unit per acre. The proposed request, therefore, will not increase traffic above the level already anticipated. Further, the proposed residential development will have no affect on public safety.

As a result, the proposed rezoning satisfies this criterion.

Criterion (f): Whether the proposed change will adversely affect other property values.

The requested rezoning to A-1 will have a positive impact on surrounding property values by providing attractive, upscale residential development pursuant to the new rural lifestyle ordinance, which should serve as a model to future developments in the area.

As a result, the requested rezoning satisfies this criterion.



Applicant: M.G. Developers, Inc.  
Project: Flamingo Estates

Criterion (g): Whether the proposed change will be a deterrent to the improvement or development of other property in accord with existing regulations.

All of the land in the area as a future land use designation of residential, one dwelling unit per acre. The proposed rezoning would allow the development of this land in a manner consistent with the future land use designation. As a result, the proposed rezoning should not deter future development, but rather enhance future development that is consistent with the existing regulations.

As a result, the proposed rezoning satisfies this criterion.

Criterion (h): Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

The requested rezoning does not sacrifice the welfare of the general public for the benefit of an individual owner. The proposed rezoning is consistent with the adopted comprehensive plan and, therefore, does not constitute a grant of special privilege.

As a result, the requested rezoning satisfies this criterion.

Criterion (I): Whether there are substantial reasons why the property cannot be used in accord with existing zoning.

The existing zoning, AG, contemplates agricultural uses, and allows residential uses only on larger lots than one unit per acre. The proposed A-1 zoning still allows certain agricultural uses but allows residential uses to be developed in a manner more consistent with the adopted comprehensive plan. The owner seeks to have the proposed rezoning to A-1 so as to maintain its ability to utilize the property for agricultural purposes until such time as a residential development is approved. The A-1 designation allows the flexibility to continue with agricultural uses and ultimately to convert to the appropriate residential use.

As a result, the requested rezoning satisfies this criterion.

Applicant: M.G. Developers, Inc.  
Project: Flamingo Estates

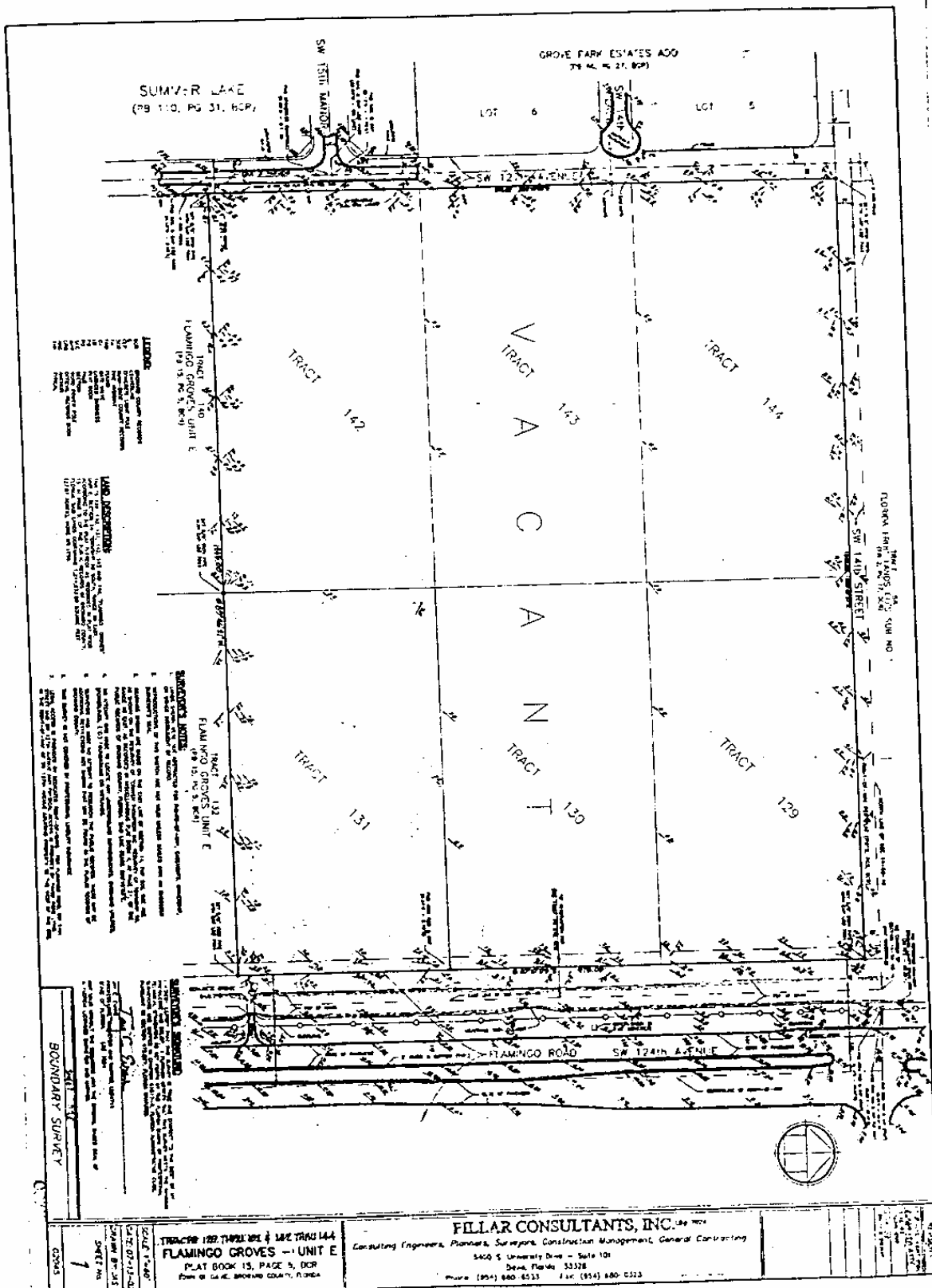
Criterion (j): Whether the proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

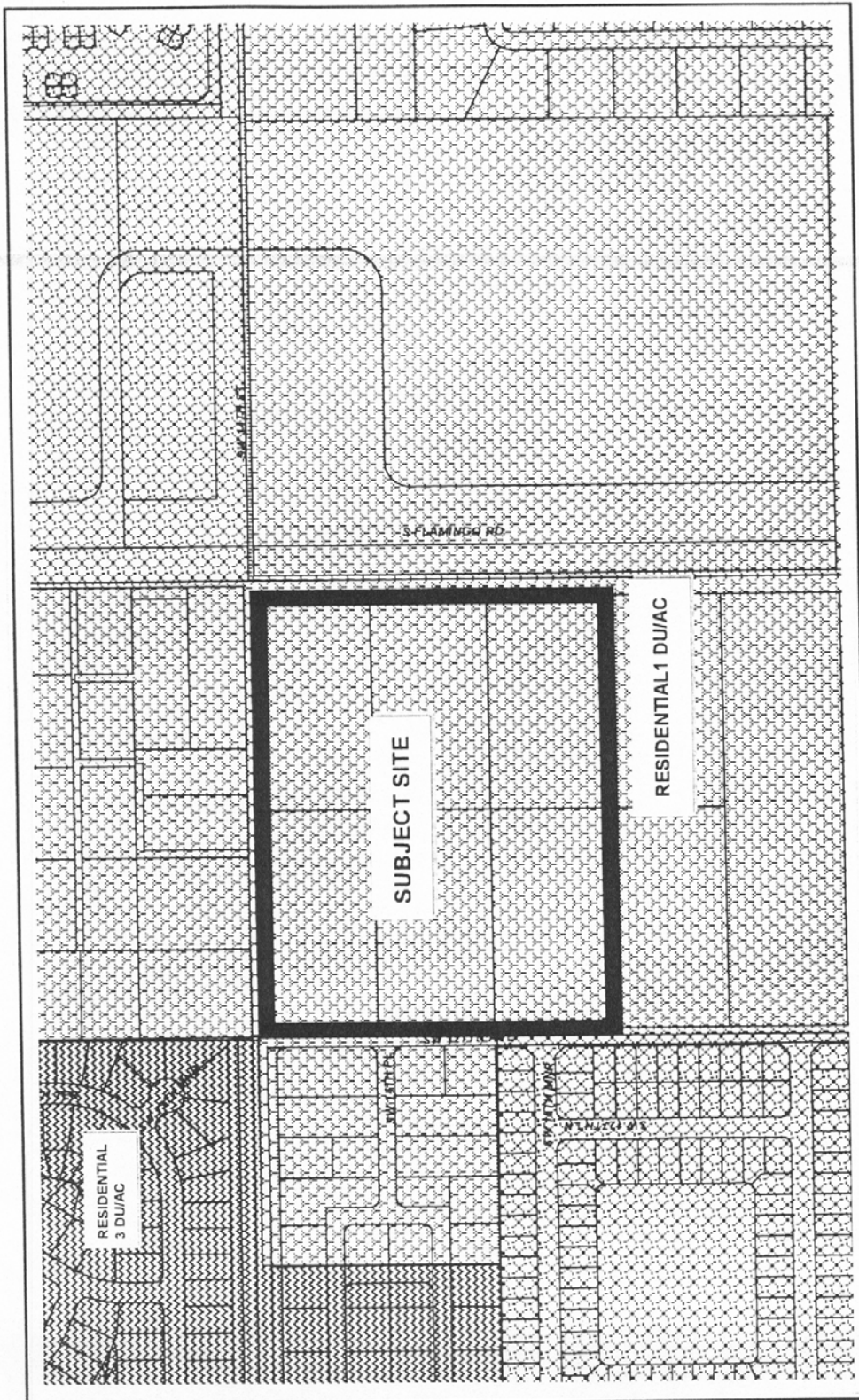
The proposed rezoning to A-1, will allow for the development of the one-acre single family homes, which should provide a higher tax base to the Town than would the existing agricultural uses under AG. Again, the proposed use is consistent with the adopted comprehensive plan and future land use designation. As a result, the tax base anticipated by the comprehensive plan would be maintained by the proposed use, and would not be diminished in any fashion.

As a result the requested rezoning satisfies this criterion.

As has been demonstrated, the requested rezoning from AG to A-1 is consistent with the adopted comprehensive plan, the Town's future land use map, and meets all the criteria contained in the Land Development Code. As a result this rezoning request merits favorable consideration.

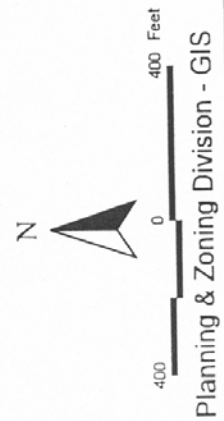
"Appendix A"



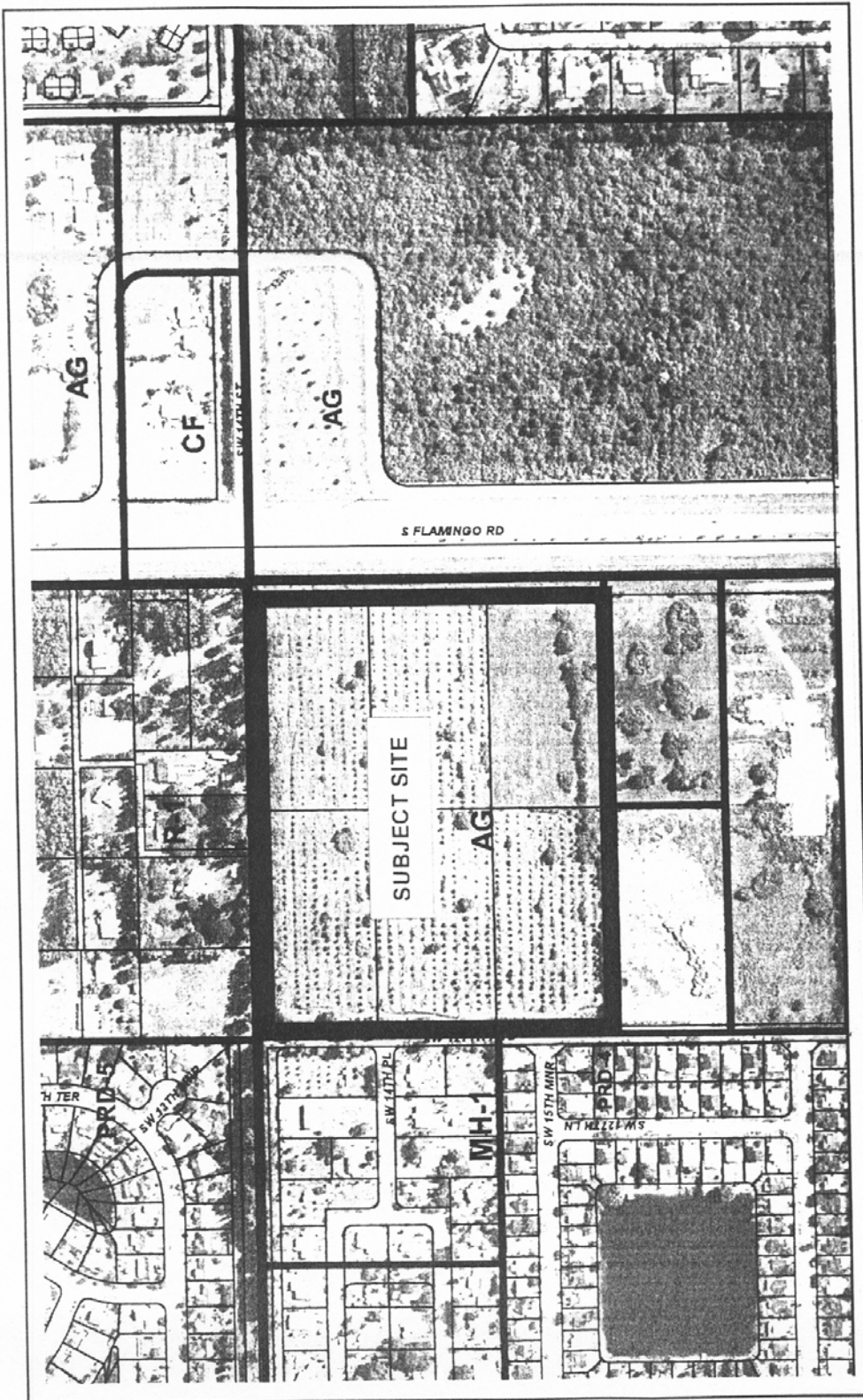


# **REZONING** **ZB 1-1-03** **Future Land Use Map**

Date Prepared: 2/26/03  
 Prepared By: ILD







# REZONING

ZB 1-1-03

## Zoning and Aerial Map

Date Prepared 2/26/03  
Prepared By ILD



Date Flown:  
12/31/00

400 0 400 Feet

Planning & Zoning Division - GIS